

**In the United States District Court  
For the Southern District Of Georgia  
Waycross Division**

WILLIE PHILLIPS,

Plaintiff,

v.

WARDEN GRADY PERRY; and  
COMMISSIONER BRIAN OWENS,

Defendants.

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CIVIL ACTION NO.: CV514-105

**ORDER**

Presently before the Court are Plaintiff's Objections to the Magistrate Judge's Report and Recommendation dated August 14, 2015. Dkt. No. 7. After an independent and *de novo* review of the entire record, Plaintiff's Objections are **OVERRULED**, and the Court **CONCURS** with and **ADOPTS** the Magistrate Judge's Report and Recommendation as the opinion of the Court.

The Magistrate Judge's recommendation for dismissal of Plaintiff's Complaint was two-fold. First, the Magistrate Judge found Plaintiff's contentions that he is actually innocent of the crimes for which he was convicted are not Section 1983 claims; rather, the Magistrate Judge advised Plaintiff these

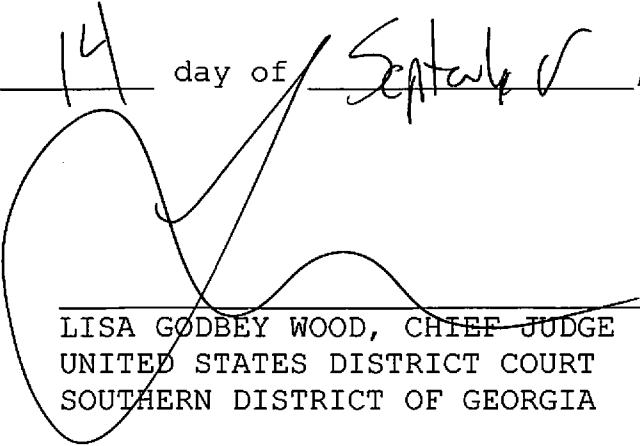
claims should be brought pursuant to 28 U.S.C. § 2254. Second, the Magistrate Judge determined Plaintiff's claim that he is being falsely imprisoned as a result of his conviction could also not be pursued under Section 1983 because he failed to show that his conviction had in fact been overturned. Dkt. No. 7, pp. 4-6. Accordingly, the Magistrate Judge recommended Plaintiff's Complaint be dismissed.

Plaintiff filed Objections to the Magistrate Judge's Report and Recommendation. The entirety of Plaintiff's Objections is as follows: "I would like to objective [sic], so I can proceed in good faith and move to the next step to make a claim or argument. [L]acked jurisdiction O.C.G.A. §§ 17-7-70 [and] 17-9-4[.] Motion to correct a void sentence[.]" Dkt. No. 8.

Plaintiff's Objections are in no way responsive to the Magistrate Judge's Report and Recommendation, and Plaintiff's Objections are without merit. Accordingly, for the reasons stated in the Magistrate Judge's Report and Recommendation, Plaintiff's Complaint, filed pursuant to 42 U.S.C. § 1983, is **DISMISSED**, and the Clerk of Court is **DIRECTED** to enter the appropriate judgment of dismissal and to **CLOSE** this case.

Furthermore, Plaintiff is hereby **DENIED** leave to appeal *in forma pauperis*.

**SO ORDERED**, this 14 day of September, 2015.



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LISA GODBEY WOOD, CHIEF JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA